

TWENTY-NINTH DAY

(Thursday, March 3, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Strauss.

Senator Colson was granted leave of absence for today on account of illness on motion of Senator Moffett.

Senator Bullock was granted leave of absence for today on account of important business on motion of Senator Hudson.

Reports of Standing Committees

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
March 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 260, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended.

KELLY of Tarrant, Chairman.

Austin, Texas,
March 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 92 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
March 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 175 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Senator Jones submitted the following report:

Austin, Texas,
March 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 408, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Phillips submitted the following report:

Austin, Texas,
March 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred House Bill No. 46, have had same under consideration and beg to report it back to the Senate with the recommendations that it do pass and be printed.

PHILLIPS, Chairman.

Bills Ordered Not Printed

On motion of Senator Hardeman, it was ordered that H. B. No. 408 be not printed.

On motion of Senator Hazlewood, it was ordered that S. B. No. 286 be not printed.

On motion of Senator Phillips, it was ordered that H. B. No. 46 be not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bill:

H. B. No. 198, A bill to be entitled "An Act making appropriation for an increase in, and supplementing, the amounts of moneys set out and appropriated for the Educational Institutions of Higher Learning of the State of Texas for traveling expenses provided for in House Bill No. 246, Acts of the Regular Session of the 50th Legislature, beginning with the effective date of this Act and ending on August 31, 1949; and amending Subsection 6 of Section 10 of House Bill No. 246, Acts of the Regular Session of the 50th Legislature, so as to limit the traveling expenses of all state employees for meals and lodging at Seven Dollars (\$7.00) per day; and further to limit mileage allowances to Seven cents (7c) and Six cents (6c) per mile; beginning with the effective date of this Act and ending August 31, 1949; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator McDonald:

S. B. No. 322, A bill to be entitled "An Act to amend Section 71 of Article 199 of the Revised Civil Statutes of Texas and all amendments thereto, by detaching Gregg County from the 71st Judicial District and at-

taching the County of Upshur to the 71st Judicial District; providing for the terms of Court in the 71st Judicial District; making the District Clerk of Upshur County for the 7th Judicial District the District Clerk of Upshur County for the 71st Judicial District; providing that the County Attorneys for the respective counties within said 71st Judicial District shall perform the duties of District Attorney in their respective counties as well as the duties now performed by them, and providing fees of office for said County Attorneys; providing for the transfer of cases from each District Court comprising Upshur County, Texas; providing that the processes and other official acts shall not be affected by the provisions of this Act; validating and continuing all processes issued and served before this Act takes effect, including recognizances and bonds; making them returnable to the next term of Court in each of said counties and District as herein fixed; validating the summoning of grand and petit juries under this Act; providing that partial unconstitutionality of this Act shall not affect the remainder thereof; repealing all conflicting laws; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Hazlewood:

S. B. No. 323, A bill to be entitled "An Act amending Subdivision (c) of Section 7b, as added by the Acts of the 45th Legislature, Regular Session, 1937, Page 248, Chapter 130, Section 3, which act amended Section 7, Page 648, Chapter 290, of the Acts of the Forty-first Legislature, Regular Session, 1929, so as to authorize the Board of Education of any Junior College District to have its taxes assessed and collected, or collected only, by the city assessor and collector of an incorporated city or town in the limits of which the Junior College District, or a part thereof, is located; providing for remuneration for such assessment and collection; and declaring an emergency."

To Committee on Education.

By Senator Colson:

S. B. No. 324, A bill to be entitled "An Act amending Title 28, Chapter 1, Revised Civil Statutes of 1925, by adding thereto Article 974-1 so as to provide an additional method of annexing territory to cities having population greater than 5,000 inhabitants

according to the last preceding or any future Federal census and operating under the general laws of Texas; and declaring an emergency."

To Committee on Towns and City Corporations.

By Senator Bell:

S. B. No. 325, A bill to be entitled "An Act making an emergency appropriation to the Attorney General for the purposes of defending the title of the State of Texas to lands beneath navigable waters within the State's boundaries; and declaring an emergency."

To Committee on Finance.

Senate Resolution 58

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the classes in Texas History from the 5th, 6th and 7th Grades of the St. Paul Lutheran School of Austin, with their teacher, Mr. John J. Socha; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Motion to Set Senate Bill 166 as Special Order

Senator Harris moved that Section 5 of Article III of the State Constitution be suspended to set S. B. No. 166 as a special order for Monday, March 7, 1949, immediately following the disposition of the unfinished business (S. B. No. 117).

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the members of the Senate):

Yeas—24

Aikin	Cousins
Ashley	Hardeman
Bell	Harris
Bracewell	Hazlewood
Carney	Hudson

Jones	Phillips
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Shofner
Lane	Strauss
Lock	Taylor
Martin	Tynan
Morris	Vick

Nays—3

Corbin	Moffett
McDonald	

Absent

Moore

Absent—Excused

Bullock	Weinert
Colson	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

S. C. R. No. 22, Authorizing the State Comptroller to destroy worthless cigarettes that have been stored for being unstamped.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill 282

Senator Bell submitted the following report:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate,

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on House Bill No. 282, appointed by the President of the Senate and the Speaker of the House of Representatives respectively to adjust the differences between the two Houses, beg leave to report that we have adjusted the differences between the Senate and the House, and recommend the passage of the bill in the form hereto attached.

Respectfully submitted,

HOLT
GREGORY

GROMATZKY
LEWIS
CHAMBERS

On the Part of the House.

MARTIN
McDONALD
CORBIN

BRACEWELL

On the Part of the Senate.

H. B. No. 282, A bill to be entitled "An Act to validate the establishment, organization, and/or creation of all school districts, validating the acts of county boards of school trustees, county judges, commissioners' courts, boards of trustees of such school districts, and municipal governing bodies; validating tax elections, bond elections, bond assumption elections, and all bonds voted, authorized, and/or now outstanding of said districts; authorizing the levy, assessment, and collection of taxes; providing that this Act shall not apply to certain districts involved now or previously involved in litigation, or to districts which may have been established and which later returned to original status, or to any extension of boundaries of a separate independent school district by virtue of an extension of boundaries of a home rule city, which school district is not a city-controlled or city-assumed school district unless a majority of the qualified voters of such district have heretofore authorized the extension of such school district boundaries at an election called for that purpose; providing that this Act shall not be construed as authorizing for the future the formation of county-line rural high school districts with the legal status of strict independent school districts organized under the general laws; providing a savings clause, and declaring an emergency."

Be it enacted by the Legislature of The State of Texas:

Section 1. All school districts, including any independent school district controlled by a municipally and including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, rural high school districts, all county line school districts, including county line common school districts, county line independent school districts, county line rural high school districts, county line consolidated common school districts, county line consolidated independent school districts,

and all other school districts, groups or annexations of whole districts, or parts of districts, whether established, organized, and/or created by vote of the people residing in such districts, or by action of the governing body of any such municipalities, or by action of the county school boards, or by action of the county judges, or by action of the commissioners' courts, and whether created by general or special law in this State, and heretofore recognized by either state or county authorities as school districts, are hereby validated in all respects as though they had been duly and legally established in the first instance.

All acts of the county boards of trustees of any and all counties in rearranging, grouping, annexing, changing, detaching and attaching of territory, or subdividing such school districts, or increasing or decreasing the area thereof, or abolishing school districts, in any school district of any kind, or in creating new districts out of parts of existing districts or otherwise, or detaching or eliminating any district or districts from an existing district, and all acts of the governing bodies of any such municipalities in annexing territories to such municipally controlled school districts, are hereby in all things validated.

All consolidations, or attempts at consolidation, of school districts after an election was held and a majority of the legally qualified voters in each such district voting in such election voted in favor of such consolidations, are hereby in all things validated and declared to be duly and legally consolidated or established as though they had been so consolidated or established in the first instance, and shall include, among others, such attempted consolidations where the election proceedings call for the consolidation of one or more common school districts and/or one or more independent school districts with an independent school district, or consolidated common school district, but did not provide for the consolidation of each such common school district and/or independent school district with each other such district.

All acts of the county judges, and/or the commissioners' courts, and/or the county boards of school trustees in converting or changing one type of school district into another type of school district are hereby in all things validated, and all elections called by

such officers for such conversion or change, in which election a majority of the qualified voters voting therein voted in favor thereof, are hereby in all things validated, and all such converted or changed school districts are hereby in all things validated as though they had been legally established in the first instance.

All acts of the governing bodies of municipalities and/or of the boards of trustees of municipally controlled or assumed school districts and/or cities and towns constituting separate and independent school districts and/or extended municipal school districts, in ordering elections for the separation or divorcement of such schools and/or districts from municipal control, jurisdiction or authority, in which elections a majority of the qualified voters voting therein voted in favor of such separation or divorcement, are hereby in all things validated, and the school districts formed by such separation or divorcement are hereby in all things validated, and the organization and acts of the boards of trustees of any and all such districts are in all things validated. Provided, that this Act shall not be construed to validate an extension of the boundaries of an independent school district by virtue of the extension of boundaries of a home rule city where such school district is a separate and distinct school district and is not a city-controlled or city-assumed school district, unless the qualified voters of such school district have heretofore by majority vote authorized the extension of such school district boundaries at an election called for that purpose.

The boundary lines of any and all such school districts are hereby in all things validated.

All acts of the boards of trustees in such school districts or the governing bodies of such municipalities or the county judges or the commissioners' courts ordering an election or elections, declaring the results of such elections, levying, attempting or purporting to levy taxes for and on behalf of such school districts, and all bonds issued and now outstanding, and all bonds heretofore voted but not issued, and all tax elections, bond elections, and bond assumption elections following such consolidation, annexation, grouping, attachment or detachment, conversion, change, etc., are hereby in all things validated. The fact that by inadvertence or over-

sight any act of the officers of any county or school district or municipality in the creation of any district was omitted, shall in no wise invalidate such district; and the fact that by inadvertence or oversight any act was omitted by the board of trustees of any such district or the county judge or the commissioners' court or the governing body of any such municipality in ordering an election or elections, or in declaring the results thereof, or in levying the taxes for such districts, or in the issuance of the bonds of any such district, shall in no wise invalidate any of such proceedings or any bonds so voted or issued by such district.

Sec. 2. All school districts mentioned in this Act are hereby authorized and empowered to levy, assess, and collect the same rate of tax, or not to exceed the rate of tax as heretofore authorized or attempted to be authorized by any act of the district or by any election of the tax-paying voters of said districts or by any Act, whether general or special, by the Legislature, or as is now being levied, assessed, and collected therein and heretofore authorized or attempted to be authorized by any act or acts of said districts, or by any Act, whether general or special, of the Legislature.

Sec. 3. This law shall not apply to any district which is now involved in litigation in any district court of this State, the Court of Civil Appeals, or the Supreme Court of Texas, in which litigation the validity of the organization or creation of such district or the consolidation or annexation of territory in or to such district is attacked. Provided further, that this Act shall not apply to any district which has heretofore been declared invalid by a court of competent jurisdiction of this State or which may have been established and which was later returned to its original status. This Act shall not apply to any district which on the effective date of this Act is involved in litigation which questions the validity of the formation of such district, or the validity of the election for the purpose of forming or creating such district, or the validity of the acts of persons purporting to be the trustees thereof because of the alleged invalidity of such districts, or the validity of any elections subsequent to the purported formation or creation of such alleged invalid district for the purpose of assumption of indebtedness

or levy of special maintenance taxes; nor shall this Act in court proceedings pending at the time of the effective date hereof have the effect of validating any of such districts, elections, or proceedings in the event the courts shall hold them to be illegal or invalid under the General Laws; nor shall this Act be construed as authorizing for the future the formation of county line rural high school districts with legal status of strict independent school districts organized under the General Laws.

Sec. 4. If any word, phrase, clause, sentence, paragraph, section, or part of this Act shall be held by any court of competent jurisdiction to be invalid, or unconstitutional, or for other reasons, it shall not effect any other phrase, word, clause, sentence, paragraph, section, or part of this Act.

Sec. 5. The fact that the legal existence of various school districts may be questioned, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Ashley	Lane
Bell	Lock
Bracewell	Martin
Carney	McDonald
Corbin	Moffett
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Nays—1

Aikin

Absent

Moore

Absent—Excused

Bullock	Weinert
Colson	

Report of Conference Committee on House Bill 67

Senator Bell submitted the following report:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate,

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on House Bill No. 67, appointed by the President of the Senate and the Speaker of the House of Representatives respectively to adjust the differences between the two Houses, beg leave to report that we have adjusted the differences between the Senate and the House, and recommend the passage of the bill in the form hereto attached.

Respectfully submitted,

HOLT
GROMATZKY
GREGORY
LEWIS
CHAMBERS

On the Part of the House.

MARTIN
McDONALD
CORBIN
BRACEWELL

On the Part of the Senate.

H. B. No. 67, A bill to be entitled "An Act validating certain independent school districts which have been redefined by County Boards of Trustees; validating such orders passed by County Boards of Trustees; validating elections held in such districts to authorize maintenance taxes, assumptions of bonded indebtedness and the issuance of bonds; enacting other provisions relating to the subject; providing that this Act shall not apply to any annexation or consolidation or any bond or tax election the validity of which has been attacked by litigation on the effective date of this Act, nor to certain districts involved in litigation on the effective date of this Act; providing that this Act shall not be construed as authorizing for the future the formation of county-line rural high school districts with legal status of strict independent school districts organized under the general laws; and declaring an emergency."

Be it enacted by the Legislature of The State of Texas:

Section 1. In each instance where the boundaries of an independent school district have been redefined and fixed by an order of the County Board of School Trustees of the county in which such district is situated, and where such Board has found that the boundaries thus fixed have been known and recognized by the said board and other officials of the county and by the people residing in the district, and where the order thus redefining and fixing such boundaries provides that the district shall constitute an independent school district, such district is hereby validated and declared to be a valid, existing and duly incorporated independent school district and subject to the General Laws relating to independent school districts, and the orders passed by such county boards of school trustees redefining and fixing boundaries of such districts are hereby validated.

Sec. 2. Where, after having been redefined as provided in Section 1 hereof, an election or elections have been held in any such district resulting favorably to the authorization of a maintenance tax, the assumption of outstanding bonded indebtedness of districts or parts thereof included in such enlarged district and the levy of taxes therefor, and the authorization of bonds and the levy of taxes therefor, or resulting favorably to any of such propositions, such election or elections are hereby validated, and such districts are hereby empowered to carry out authority conferred by said elections.

Sec. 3. This Act shall not apply to any annexation or consolidation or any bond or tax election the validity of which has been attacked by litigation on the effective date of this Act. This Act shall not apply to any district which on the effective date of this Act is involved in litigation which questions the validity of the formation of such district, or the validity of the election for the purpose of forming or creating such district, or the validity of the acts of persons purporting to be the trustees thereof because of the alleged invalidity of such district, or the validity of any elections subsequent to the purported formation or creation of such alleged invalid district for the purpose of assumption of indebtedness or levy of special maintenance taxes; nor shall this Act in court proceedings pending at the time of the effective date hereof have the

effect of validating any of such districts, election, or proceedings in the event the courts shall hold them to be illegal or invalid under the general laws; nor shall this Act be construed as authorizing for the future the formation of county-line rural high school districts with legal status of strict independent school districts organized under the general laws.

Sec. 4. The fact that the legal existence of various independent school districts may be questioned creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House to be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—26

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan
Lane	Vick

Nays—1

Aikin

Absent

Cousins

Absent—Excused

Bullock	Weinert
Colson	

Executive Session

Senator Strauss asked unanimous consent to hold an executive session at 11:10 o'clock a.m. today.

The President pro tempore announced that there was objection.

Senator Strauss then moved to suspend Senate Rule 86, in order that the Senate might go into executive session at 11:15 o'clock a.m. Friday.

The motion prevailed by the following vote:

Yeas—22

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Cousins	Phillips
Harris	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Tynan

Nays—5

Corbin	Moore
Hardeman	Vick
Hazlewood	

Absent

Morris

Absent—Excused

Bullock	Weinert
Colson	

Accordingly the President pro tempore directed all those not entitled to attend the executive session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the executive session, the Secretary informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be Chairman of the State Highway Commission (designation made following resignation of Honorable John S. Redditt): Fred Wemple of Midland, Midland County;

To be a Member of the State Highway Commission to fill the unexpired term of John S. Redditt of Lufkin, resigned, term to expire February 15, 1951: A. F. Mitchell of Corsicana, Navarro County;

To be a Member of the State Highway Commission for a six year term to expire February 15, 1955, R. J. Potts of Harlingen, Cameron County;

To be a Member of the Board of Regents, State Teachers Colleges, for six year terms to expire January 1, 1955, H. L. Mills of Houston, Harris County;

To be Members of the Veterans Affairs Commission: R. Q. Akers of Beaumont, Jefferson County, for a

6 year term to expire June 12, 1953, Joe M. Daniel of Corsicana, Navarro County, for a 6 year term to expire June 12, 1953; Rene A. Garza of Zapata, Zapata County, for a 4 year term to expire June 12, 1951; Lewis P. Fields of Amarillo, for a 4 year term to expire June 12, 1951; Frank Ikard of Wichita Falls, Wichita County, for a 2 year term to expire June 12, 1949;

To be a Member of the Veterans' Affairs Commission to fill the unexpired term of Frank Ikard of Wichita Falls, resigned, term to expire January 12, 1949, Marcus Weems of West Columbia, Brazoria County;

To be Member of the Commission of Public Safety to fill the unexpired term of the late George W. Cottingham, term to expire December 31, 1953: Hoxie H. Thompson of Trinity, Trinity County;

To be Fire Insurance Commissioner for a six year term to expire February 10, 1955, Paul H. Brown of Harlingen, Cameron County;

The Secretary of the Senate further informed the Journal Clerk that the Senate had rejected the following nominations of the Governor:

B. L. Autry of Dallas, Texas, Dallas County, to be a member of the State Board of Hairdressers and Cosmetologists.

In Legislative Session

The President pro tempore called the Senate to order as in Legislative Session at 12:10 o'clock p.m.

Senate Resolution 59

Senator Cousins offered the following resolution:

Whereas, The Basketball Team of French High School of Beaumont, Texas: Guy Broussard, C. J. Howell, Ted Meinscher, Allen Royce, Charles Watley, Kenneth Wall, Bronson Owens, David Fisher, Bobby Riggs, Dale Harris, Alton Gray, Glen French, Frank Harvey, Joe Dan Taylor, Louis Rainey, Raymond Barrow, Edward Kilpatrick, Donald Morgan, Richard Bess, Lloyd Kilpatrick and Don Harris, together with their Principal, Mr. D. L. Hybargel, their Coaches, Mr. Paul Carlisle and Mr. Dud Lindsey, are visitors in the Senate today; and

Whereas, The above Basketball

Team has shown their desire to participate in fair and competitive sport and to learn of the functions of their State Government so that upon reaching the age of voting they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their sponsors by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend the privileges of the floor to these students, Mr. D. L. Hybargel, Mr. Paul Carlisle and Mr. Dud Lindsey, in expression of our appreciation for this visit; that a copy of this Resolution, under seal of the Senate, be forwarded to each member of the Basketball Team of French High School and to Mr. D. L. Hybargel, Mr. Paul Carlisle and Mr. Dud Lindsey, as evidence of this recognition.

The resolution was read and was adopted.

House Bill 46 on Second Reading

On motion of Senator McDonald and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 46, A bill to be entitled "An Act to amend Chapter 361, Acts 1943, Forty-eighth Legislature, page 635, as amended by Chapter 180, Acts 1945, Forty-ninth Legislature, page 245, providing for the classification of prisoners for good conduct, industry, and obedience, and the commutation of time in accordance with said classification; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 46 on Third Reading

Senator McDonald moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 46 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Corbin
Ashley	Cousins
Bell	Hardeman
Bracewell	Harris
Carney	Hazlewood

Hudson	Moore
Jones	Morris
Kelley of Hidalgo	Phillips
Kelly of Tarrant	Proffer
Lane	Shofner
Lock	Strauss
Martin	Taylor
McDonald	Tynan
Moffett	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 3, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

S. B. No. 3, A bill to be entitled "An Act making an appropriation for an improvement program for the Texas Prison System; and declaring an emergency."

S. B. No. 61, A bill to be entitled "An Act making an emergency appropriation for the Texas Prison System; and declaring an emergency." (With amendment.)

S. B. No. 102, A bill to be entitled "An Act validating independent school

districts which have been enlarged by consolidations with other districts and by orders of county boards of school trustees, and whose boundaries have been defined by orders passed by the county board of school trustees of the county in which the principal school of the independent district is situated; validating orders passed by commissioners' courts and county boards of school trustees making such districts; validating elections held by such districts for maintenance taxes, assumption of outstanding bonds, and the issuance of bonds; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill 106 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 106, A bill to be entitled "An Act regulating the issuance of time warrants by counties having a population in excess of three hundred thousand (300,000) inhabitants according to the last preceding or any future Federal Census; providing that this Act shall not apply to time warrants of such counties issued or authorized to be issued prior to effective date of this Act, and containing certain other exceptions; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 106 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 106 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hazlewood
Ashley	Hudson
Bell	Jones
Bracewell	Kelley of Hidalgo
Carney	Kelly of Tarrant
Corbin	Lane
Cousins	Lock
Hardeman	Martin
Harris	McDonald

Moffett	Shofner
Moore	Strauss
Morris	Taylor
Phillips	Tynan
Proffer	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

Bill Ordered Not Printed

On motion of Senator Taylor, it was ordered that S. B. No. 308 be not printed.

Senate Bill 308 on Second Reading

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 308, A bill to be entitled "An Act making an appropriation of the sum of Three Hundred and Fifty Thousand Dollars (\$350,000), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of members and the per diem of officers and employees of the Regular Session of the Fifty-first Legislature, and to pay any unpaid accounts or expenses of the Fifty-first Legislature; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 308 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

House Bill 376 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 376, A bill to be entitled "An Act declaring open season on fox in Austin County and making it lawful to kill any number of fox in Austin County at any and all times; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 376 on Third Reading

Senator Strauss moved that the constitutional rule requiring bill to be read on three several days be suspended and that H. B. No. 376 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock Weinert
Colson

House Bill 414 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 414, A bill to be entitled "An Act providing that it shall be unlawful to kill deer and wild turkey in Coke County for a period of four (4) years from and after the passage of this Act; repealing all conflicting laws; providing a penalty; and declaring an emergency."

The bill was read second time.

Senator Hardeman offered the following amendment to the bill:

Amend H. B. 414 by adding the words "or quail" after the word "turkey" in Sec. 1 thereof and in Sec. 4 thereof and amend the caption to conform thereto.

The amendment was adopted.

On motion of Senator Hardeman and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 414 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 414 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock Weinert
Colson

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock Weinert
Colson

House Bill 308 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 308, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than twenty-seven thousand one hundred fifty (27,150) and not less than twenty-seven thousand fifty-nine (27,059) inhabitants according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 308 on Third Reading

Senator Phillips moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 308 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Nays—1

Hardeman

Absent—Excused

Bullock	Weinert
Colson	

House Bill 408 on Second Reading

The President pro tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 408, A bill to be entitled "An Act creating Road District No. 4 of Coleman County, Texas, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 408 on Third Reading

Senator Hardeman moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 408 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick

Absent—Excused

Bullock	Weinert
Colson	

Senate Bill 286 on Second Reading

Senator Hazlewood moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be sus-

pending and that S. B. No. 286 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	

Nays—1

Taylor

Absent

Hudson Kelly of Tarrant

Absent—Excused

Bullock Weinert
Colson

The President pro tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 286, A bill to be entitled "An Act creating a Court of Domestic Relations for Potter County; prescribing the qualifications of the Judge thereof; fixing his salary; fixing the jurisdiction thereof; conforming the jurisdiction of other Courts thereto; creating a Juvenile Board for certain counties; providing for the District Attorney to serve said Court; containing severability clause; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 286 by deleting the first six (6) lines of Section 2 and substituting in lieu thereof the following:

"Sec. 2. The Judge of the Court of Domestic Relations hereby established shall have such qualifications as are fixed by the Juvenile Board herein provided for and shall be paid by the County Commissioners' Court of Potter County such salary as such Juvenile Board may fix, same to be

paid out of the General Fund of the County in twelve (12) equal monthly installments."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 3, on the second page of S. B. 286 by striking the following language, to wit: "composed of Potter, Randall and Armstrong Counties, and the County Judges of said three counties may," and inserting in lieu thereof the following language, to wit:

"Composed of Potter and Randall counties, and the County Judges of said two counties may."

The amendment was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Section 5, Senate Bill 286, by striking out the following words at the bottom of the second page thereof, to wit: "County Judges of Armstrong, Randall and Potter Counties," and inserting in lieu thereof the following language: "County Judge of Potter County."

The amendment was adopted.

On motion of Senator Hazlewood and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Motion to Place Senate Bill 195 on Second Reading

Senator Phillips moved that Senate Rule 116 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 195 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving the necessary vote of four-fifths of the members of the Senate):

Yeas—24

Aikin	Hazlewood
Ashley	Jones
Bell	Kelley of Hidalgo
Bracewell	Lane
Corbin	Lock
Cousins	Martin
Hardeman	McDonald
Harris	Moffett

Morris
Phillips
Proffer
Shofner

Strauss
Taylor
Tynan
Vick

Absent

Carney
Hudson

Kelly of Tarrant
Moore

Absent—Excused

Bullock
Colson

Weinert

Bills Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 65, A bill to be entitled "An Act relating to the County Court of Jefferson County At Law; amending Acts 1919, Chapter 27, Section 4, the same being Article 1970-114, Revised Civil Statutes of Texas, 1925, with reference to the terms of said Court; amending Acts 1919, Chapter 27, Section 5, same being Article 1970-115, Revised Civil Statutes of Texas, 1925, with reference to the election, tenure and qualifications of the Judge of said Court; amending Acts 1937, Chapter 377, Section 1, same being Article 1970-122, Revised Civil Statutes of Texas, 1925, with reference to the salary of the Judge of said Court; providing a saving clause; and declaring an emergency."

S. B. No. 213, A bill to be entitled "An Act making an appropriation of Twelve Hundred Ninety-eight (\$1,298.00) Dollars to pay the salary of Ralph K. Gillen as Special Judge of the One Hundred and First District Court of Dallas County, Texas; and declaring an emergency."

S. B. No. 169, A bill to be entitled "An Act approving and adopting the Pecos River Compact; authorizing the Governor to appoint a Commissioner to administer the provisions of the Compact; providing for the salary and necessary expenses of the Commissioner; appropriating for the expenses of administering the Compact; and declaring an emergency."

Adjournment

On motion of Senator Bell, the Senate at 12:55 o'clock p.m., adjourned until 10:30 o'clock a.m. Monday, March 7, 1949.

Record of Vote

Senators Corbin and Phillips asked to be recorded as voting "nay" on the motion to adjourn.

THIRTIETH DAY

(Monday, March 7, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

Absent—Excused

Hazlewood Morris

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Morris was granted leave of absence for today on account of important business on motion of Senator Jones.

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Hardeman.

Reports of Standing Committees

Senator Ashley submitted the following report: